

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1573 be amended to read as follows:

- 1           Page 11, between lines 3 and 4, begin a new paragraph and insert:
- 2           "SECTION 10. IC 25-1-2-2.1, AS AMENDED BY P.L.3-2008,
- 3           SECTION 175, IS AMENDED TO READ AS FOLLOWS
- 4           [EFFECTIVE JULY 1, 2009]: Sec. 2.1. Rather than being issued
- 5           annually, the following permits, licenses, certificates of registration, or
- 6           evidences of authority granted by a state agency must be issued for a
- 7           period of two (2) years or for the period specified in the article under
- 8           which the permit, license, certificate of registration, or evidence of
- 9           authority is issued if the period specified in the article is longer than
- 10          two (2) years:
- 11           (1) Certified public accountants, public accountants, and
- 12           accounting practitioners.
- 13           (2) Architects and landscape architects.
- 14           (3) Dry cleaners.
- 15           (4) Professional engineers.
- 16           (5) Land surveyors.
- 17           (6) Real estate brokers.
- 18           (7) Real estate agents.
- 19           (8) Security dealers' licenses issued by the securities
- 20           commissioner.
- 21           (9) Dental hygienists.
- 22           (10) Dentists.
- 23           (11) Veterinarians.
- 24           (12) Physicians.
- 25           (13) Chiropractors.
- 26           (14) Physical therapists.
- 27           (15) Optometrists.
- 28           (16) Pharmacists and assistants, drugstores or pharmacies.
- 29           (17) Motels and mobile home community licenses.
- 30           (18) Nurses.
- 31           (19) Podiatrists.

- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.
- (31) Massage therapists.
- (32) Genetic counselors."**

Page 26, between lines 8 and 9, begin a new paragraph and insert:  
 "SECTION 34. IC 25-17.3 IS ADDED TO THE INDIANA CODE  
 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY  
 1, 2009]:

#### **ARTICLE 17.3. GENETIC COUNSELORS**

##### **Chapter 1. Applicability**

**Sec. 1. This article applies after June 30, 2010.**

##### **Chapter 2. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.**

**Sec. 3. "Board" refers to the medical licensing board of Indiana created by IC 25-22.5-2-1.**

**Sec. 4. "Genetic counseling" means the communication by an individual of any of the following:**

**(1) Estimating, through the following methods, the likelihood of the occurrence or recurrence of a birth defect or a potentially inherited or genetically influenced condition:**

**(A) Obtaining and analyzing the health history of an individual and the individual's family.**

**(B) Reviewing medical records.**

**(C) Evaluating the risks of exposure to possible mutagens or teratogens.**

**(D) Recommending genetic testing or other evaluation to detect fetal abnormalities or determine the carrier status of a family member.**

**(2) Explaining to an individual or a family the following:**

**(A) The medical, psychological, and social implications of a disorder and the usual course of evaluation, treatment, or management.**

**(B) The genetic factors that contribute to the disorder and**

1           how the genetic factors affect the chance for recurrence of  
2           the condition in other family members.

3           (C) The available options for coping with, preventing, or  
4           reducing the chance of occurrence or recurrence of the  
5           disorder.

6           (D) The genetic or other tests available for inherited  
7           disorders.

8           (E) How to interpret complex genetic test results.

9           Sec. 5. "Genetic counselor" means an individual who is licensed  
10          under this article to provide genetic counseling.

11          Sec. 6. "Genetic supervision" refers to the assessment by:

12           (1) an individual who is licensed under this article; or

13           (2) a physician licensed under IC 25-22.5;

14          of an individual who is issued a temporary genetic counselor  
15          license. The term includes regular meetings and chart review  
16          under a genetic supervision contract entered into by both parties.

### 17          Chapter 3. Powers and Duties of the Board

18          Sec. 1. The board shall enforce this article.

19          Sec. 2. The board may adopt rules under IC 4-22-2 that are  
20          consistent with this article and with IC 25-22.5 and that are  
21          necessary for the proper enforcement of this article and for the  
22          conduct of the practice of genetic counseling.

### 23          Chapter 4. Requirements for Licensure as a Genetic Counselor

24          Sec. 1. To qualify for licensure as a genetic counselor, an  
25          applicant must:

26           (1) submit an application on a form developed by the board;

27           (2) pay the licensure fee determined by the board;

28           (3) provide written evidence that the applicant has earned:

29            (A) a master's degree from a genetic counseling training  
30            program accredited by the American Board of Genetic  
31            Counseling or its successor; or

32            (B) a doctoral degree from a medical genetics training  
33            program that is accredited by the American Board of  
34            Medical Genetics or its successor; and

35           (4) meet the examination requirement for certification as:

36            (A) a genetic counselor by the American Board of Genetic  
37            Counseling or the American Board of Medical Genetics or  
38            the successor of these entities; or

39            (B) a medical geneticist by the American Board of Medical  
40            Genetics or its successor.

41          Sec. 2. (a) The board may issue a temporary license to an  
42          applicant who:

43           (1) meets all the requirements for licensure under section 1 of  
44           this chapter except the examination for certification  
45           requirement set forth in section 1(4) of this chapter; and

46           (2) has an active candidate status for the certification.

47          (b) An individual who is issued a temporary license under this  
48          section:

(1) must apply for and take the next available examination for certification; and

(2) may practice under the temporary license only if directly supervised by a licensed genetic counselor or a physician licensed under IC 25-22.5 under a genetic supervision contract.

(c) An individual who holds a temporary license issued under this section and fails the examination for certification described in section 1(4) of this chapter for the first time may reapply for a second temporary license. The board may not issue a temporary license to an individual who has failed the examination for certification more than one (1) time.

(d) A temporary license issued under this section expires upon the earliest of the following:

(1) The date on which the individual meets the requirements of this chapter and is issued a license.

(2) The date that is thirty (30) days after the individual fails the examination for certification described in section 1(4) of this chapter.

(3) The date printed on the temporary license.

(e) An individual who is issued a temporary license under this section shall inform the board of the results of the individual's examination for certification described in section 1(4) of this chapter.

**Sec. 3. The board may issue a license to an individual who:**

(1) is licensed, certified, or registered in another state or territory of the United States that has requirements determined by the board to be substantially equivalent to the requirements specified in this article;

(2) is in good standing in the other state or territory;

(3) applies in the manner required by the board; and

(4) pays an application fee specified by the board.

**Sec. 4. The following individuals are not required to be licensed under this article:**

(1) An individual who is licensed as a physician under IC 25-22.5 or a nurse under IC 25-23. However, the individual may not use the title "genetic counselor" or any other title that indicates that the individual is a genetic counselor unless the individual is licensed under this article.

(2) A student or an intern from an accredited school who is participating in a supervised training program.

(3) An individual from another state who is certified by the American Board of Medical Genetics or the American Board of Genetic Counseling and acting in Indiana on a consultant basis.

**Sec. 5. (a)** A license issued by the board expires on the date established by the agency under IC 25-1-5-4 in even-numbered years.

(b) To renew a license, a genetic counselor shall:

(1) pay a renewal fee not later than the expiration date of the license; and

(2) meet all other requirements for renewal under this chapter.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid without further action by the board.

(d) If an individual holds a license that has been invalid for not more than three (3) years, the board shall reinstate the license if the individual meets the requirements of IC 25-1-8-6(c).

(e) If more than three (3) years have elapsed since the date a license has expired, the individual who holds the expired license may seek reinstatement of the license by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

Sec. 6. (a) To renew a license under this article, an applicant must complete continuing education. The continuing education must meet the requirements of IC 25-1-4 and consist of:

(1) the completion in each two (2) year license cycle of fifty (50) contact hours that have been approved by the National Society of Genetic Counselors; or

(2) the successful completion in each two (2) year license cycle of a reading assignment and proctored examination in medical genetics provided by the American Board of Medical Genetics.

(b) An applicant seeking renewal of a license shall certify that the applicant:

(1) has complied with the continuing education requirements; or

(2) has not complied with the continuing education requirements but is seeking a waiver from the board under section 7 of this chapter.

Sec. 7. The board may grant an applicant seeking renewal of a license a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following conditions:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board.

#### Chapter 5. Unlawful Practices

Sec. 1. An individual who does not have a valid license or temporary license as a genetic counselor under this article may not use the title "genetic counselor", "licensed genetic counselor", or any word, letter, abbreviation, or insignia that indicates or implies that the individual has been issued a license or has met the qualifications for licensure under this article.

1       **Sec. 2. (a) If the board believes that a person has engaged in or**  
2       **is about to engage in an act or practice that constitutes or will**  
3       **constitute a violation of section 1 of this chapter, the board may**  
4       **apply to a circuit or superior court for an order enjoining the act**  
5       **or practice.**

6       **(b) If the board determines that a person has engaged in or is**  
7       **about to engage in an act or practice that constitutes or will**  
8       **constitute a violation of section 1 of this chapter, an injunction, a**  
9       **restraining order, or another appropriate order may be granted by**  
10      **the court.**

11      **Sec. 3. A person who violates this chapter commits a Class A**  
12      **misdemeanor. In addition to any other penalty imposed for a**  
13      **violation of this chapter, the board may, in the name of the state of**  
14      **Indiana through the attorney general, petition a circuit or superior**  
15      **court to enjoin the person who is violating this chapter from**  
16      **practicing genetic counseling in violation of this chapter."**

17      Renumber all SECTIONS consecutively.

(Reference is to EHB 1573 as printed April 10, 2009.)

---

Senator MILLER